

**IDAHO BOARD OF COSMETOLOGY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 6/5/2017**

**BOARD MEMBERS PRESENT:** Debra J Hummel - Chair  
Merrilyn Cleland  
Geneal Thompson  
Linda Swope  
Lindy High

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel  
Eric Nelson, Board Prosecutor  
Roger Hales, Naylor & Hales  
Dave Hotchkiss, Inspector  
Brian Mulleneaux, Inspector  
Kim Aksamit, Technical Records Specialist II  
Allegra Earl, Technical Records Specialist I

**OTHERS PRESENT:** Kevin Moriarty, Randy Thompson,  
Colleen Schrader, Rick Schrader,  
Rosemary Martinez, Ashlie Rauh,  
Silvia Manthey, Dustin Hurst,  
Phil Haunschild, Lance Giles, Rick Evans,  
Ryan Evans, Vickie Ellis, Mark Dilworth,  
Ty Walker, LaDonna Goodfellow,  
Jessica Armstrong, Rhonda Clark,  
Wendy Florence, Margarita Castellanos,  
Rick Fuger

The meeting was called to order at 8:30 AM MDT by Debra J Hummel.

**APPROVAL OF MINUTES**

Ms. Cleland made a motion to approve the minutes of February 13, 2017 and April 17, 2017. It was seconded by Ms. Thompson. Motion carried.

**NEW BUSINESS**

**PUBLIC COMMENT**

Mr. R Evans, owner of Evans Hairstyling College, addressed the Board regarding the meeting the school owners association held the previous night. He said the association discussed the use of a permit or notice, makeup artists, joining of the Barber and Cosmetology Boards and adding continuing education requirement. He also stated the Board may wish to consider adding a 250 hours training course and license for makeup artists.

No other members of the public provided comment.

## **DISCUSSION OF LEGISLATIVE ITEMS FOR 2018**

Ms. Cory said that a few people had contacted the Bureau wanting to know if the Board was going to draft another bill for the 2018 Legislative Session. She let them know it would be put on the agenda for the Board to discuss and she invited them to attend today's meeting, to have a chance to make any comments or suggestions they might have.

Ms. Cory gave the legislative report. The deadline to submit proposed legislative ideas to the Governor's Office is July 14, 2017 and the deadline to submit proposed law and rule changes to the Governor's Office is August 18, 2017 for the 2018 Legislative Session.

The Board discussed going forward with another bill and decided to proceed. Ms. Cory suggested the Board might create subcommittees to talk about the issues including thermal styling, makeup artists/demonstration permits and school hours. The Board agreed and Ms. Hummel directed the Bureau to work with the three subcommittees and make the public aware so anyone can offer comments to the subcommittees.

Ms. Hummel and Ms. Cleland will be on the makeup artists and demonstration permit subcommittee. Ms. Swope and Ms. High will be on the subcommittee for school hours. Ms. Thompson will be on the subcommittee for thermal styling.

## **LEGISLATIVE REPORT**

Ms. Cory reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Thompson made a motion to authorize Ms. Cleland to work with Ms. Cory on a response and placing the information on the Board's website for public comment. It was seconded by Ms. Swope. Motion carried.

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## **FINANCIAL REPORT**

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of \$1,105,798.01 as of 5/31/2017.

## **DISCIPLINE**

Mr. Nelson presented several Stipulation and Consent Order in cases COS-2016-90/91, COS-2016-155/156, COS-2017-18, COS-2017-19, COS-2017-20, COS-2017-21, COS-2017-23, COS-2017-24, COS-2017-25/26, COS-2017-36, COS-2017-37, COS-2017-72/73, COS-2017-80, COS-2017-82, COS-2017-83, COS-2017-92, COS-2017-105, COS-2017-144, COS-2017-147, COS-2017-153, COS-2017-155. Ms. Swope made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

## **FINAL ORDER**

Mr. Nelson presented a Findings of Facts, Conclusions of Law and Final Orders in cases COS-2016-158 and COS-2017-155. Ms. Swope made a motion to approve the Finding of Facts, Conclusions of Law and Final Orders and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Thompson. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Ms. Swope made a motion to approve the Bureau's recommendation and authorize closure in the following cases with a warning letter :I-COS-93;I-COS-2017-147, I-COS-2017-148, and I-COS-2017-149;I-COS-2017-194;I-COS-2017-198;I-COS-2017-201,I-COS-2017-202,and I-COS-2017-203;I-COS-2017-226;I-COS-2017-249;and I-COS-2017-259. It was seconded by Ms. High. Motion carried.

Ms. Swope made a motion to approve the Bureau's recommendation and to authorize closure in cases: I-COS-2016-222; I-COS-2017-89; I-COS-2017-134, I-COS-2017-135 and I-COS-2017-161; I-COS-2017-138 and I-COS-2017-139; I-COS-2017-166; I-COS-2017-173; I-COS-2017-191. It was seconded by Ms. High. Motion carried.

## **DISCIPLINARY ACTION**

Ms. Peel presented several Stipulation and Consent Orders in cases COS-2017-50, COS-2017-61/62, COS-2017-101/102, COS-2017-135/136, COS-2017-140/141, COS-2017-151/152, COS-2017-158, COS-2017-159/160, COS-2017-165, COS-2017-166, COS-2017-170/171, COS-2017-172/173, COS-2017-174, COS-2017-175/176, COS-2017-177, COS-2017-178/179/180, COS-2017-181/182, COS-2017-202, COS-2017-203, COS-2017-204/205, COS-2017-213, COS-2017-216/217, COS-2017-220, COS-2017-221, COS-2017-222, COS-

2017-223/224. Ms. Cleland made a motion to accept the Settlement Orders as signed and to authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

## **MENORANDUM**

Ms. Peel presented a memorandum regarding cases COS-2017-163 and COS-2017-164, COS-2017-184 and COS-2017-185, COS-2017-197 and COS-2017-198, COS-2017-208 and COS-2017-209, COS-2017-211 and COS-2017-212, COS-2017-214 and COS-2017-215, COS-2017-232. The Board made its recommendations.

Ms. Peel reviewed COS-2016-142 with the Board and no action was taken.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken.

## **CORRESPONDENCE**

The Board reviewed a letter from an individual about Do It Yourself nail stations. Ms. Swope made a motion to have Mr. Ellsworth draft a letter that indicated clients polishing their own nails is an unregulated practice and a licensed cosmetologist may provide manicures including nail polishing at a party in a cosmetology establishment. It was seconded by Ms. Cleland. Motion carried

The Board reviewed a letter from the Law Offices of Eberle Berlin regarding licensed cosmetologists trimming the beard using scissors and clippers. Ms. Cleland made a motion for Mr. Ellsworth draft a letter stating that was allowed. It was seconded by Ms. Thompson. Motion carried.

The Board reviewed a letter from an individual requesting waiver of a portion of apprenticeship hours. Ms. Cleland made a motion to have Mr. Ellsworth draft a letter stating that the hours must be finished. It was seconded by Ms. Swope. Motion carried.

## **NIC REGIONAL MEETING**

A motion was made by Ms. Cleland to have the Board approve all travel expenses for the National Interstate Council of State Boards of Cosmetology Region Meeting (NIC) in Charleston, WV to cover all expenses including, hotel, meals, shuttle, and per diem. It was seconded by Ms. Thompson. Motion carried.

## **NIC DUES**

Ms. Cleland made a motion to pay the membership dues to NIC. It was seconded by Ms. Swope. Motion carried.

## **EXECUTIVE SESSION**

Ms. Thompson made a motion that the Board go into executive session under Idaho Code § 74-206(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Swope. The vote was: Ms. Hummel, aye; Ms. Cleland, aye; Ms. Thompson, aye; Ms. Swope, aye; and Ms. High, aye. Motion carried.

Ms. Swope made a motion to come out of executive session. It was seconded by Ms. Cleland. The vote was: Ms. Hummel, aye; Ms. Cleland, aye; Ms. Thompson, aye; Ms. Swope, aye; and Ms. High, aye. Motion carried.

## **SAFETY AND HEALTH OF COSMETOLOGISTS PRESENTATION**

Ms. Addis and Ms. Eckman from Idaho OSHA Consultation Program, Boise State University came and gave a presentation on the health and safety of cosmetologists with regards to the chemicals they may use.

## **APPLICATIONS**

Ms. Thompson made a motion to accept the applications for Jemaica Beltran and Georgina Zamora and issue licenses. It was seconded by Ms. Thompson. Motion carried.

Ms. Cleland made a motion to hold application 901147806 pending receipt of additional information and review by the Board Chair. It was seconded by Ms. High. Motion carried.

Ms. Swope made a motion to accept the application for Kimberly Smiledge and issue a license. It was seconded by Ms. Thompson. Motion carried.

Ms. Thompson made a motion to have Zoltanne Gynes and Karla Guzman Salagado to take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

Ms. Thompson made a motion to accept the application for Mischa Prince and issue a license. It was seconded by Ms. High. Motion carried.

Ms. Cleland made the motion to deny application for Anh Thi Kim Do for not meeting education requirements for esthetics. It was seconded by Ms. Thompson. Motion carried.

Ms. Cleland made a motion to accept the applications for Nhan Ho and Trang Tran and issue licenses. It was seconded by Ms. High. Motion carried.

## **APPRENTICESHIPS**

Ms. Swope made a motion to accept the apprentice applications for Nuong Huynh, Huong Huynh, Tina Nguyen, Ha Doung, Dalayna Pierce and Cheryl Morzano. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to table apprentice application for applicant 901150467. It was seconded by Ms. Thompson. Motion carried.

Ms. Thompson made a motion to accept the apprentice application for Phoung Lam. It was seconded by Ms. Cleland. Motion carried.

## **NEW SCHOOL**

Ms. Swope made a motion to approve application 901083993 pending additional information and Board Chair review. It was seconded by Ms. Thompson. Motion carried.

## **CURRICULUM REVIEW**

Ms. Cleland made a motion to accept the applications for Headmaster School of Hair Design and Cosmetology School of Arts & Sciences. It was seconded by Ms. Swope. Motion carried.

## **NEXT MEETINGS**

Next meeting is scheduled for July 26, 2017 at 9:00 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

The next meeting after that will be October 2, 2017 at 8:30 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

## **ADJOURNMENT**

Ms. High made a motion to adjourn the meeting at 11:40 AM MDT. It was seconded by Ms. Cleland. Motion carried.

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Debra J Hummel, Chair

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Merrilyn Cleland

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Geneal Thompson

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Linda Swope

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Lindy High

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Tana Cory, Bureau Chief